

6/6/2018 11:39 am

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

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JOAQUIN R. WINFIELD,

Plaintiff,

-against-

**ORDER**

07-CV-04570 (JMA)(AYS)

ROBERT DeROSSO, Sgt. JOHN DOE, Sgt.  
NICHOLAS DeSIMONE, WESLEY  
BEDNOSKY, DENNIS HORL,  
& SUFFOLK COUNTY,  
Defendant.

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**AZRACK, District Judge:**

Before the Court is a May 14, 2018 Report and Recommendation (“R&R”) from Magistrate Judge Shields recommending that defendants’ motion for summary judgment for failure to exhaust be denied. Defendants have not objected to the R&R.

In reviewing a magistrate judge’s report and recommendation, the court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

Having conducted a review of the full record and the applicable law, and having reviewed the R&R for clear error, the Court adopts Judge Shield’s R&R in its entirety.

The Clerk of Court is respectfully requested to mail a copy of this Order to the pro se plaintiff.

**SO ORDERED.**

Dated: June 6, 2018  
Central Islip, New York

\_\_\_\_\_/s/ JMA\_\_\_\_\_  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE